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Gold.

The vote upon the Currency bill in the Senate, a measure reaffirming the fact that gold is the single standard of value, and providing with great care and efficiency for its maintenance, was the most remarkable comment upon the cause of free silver that has been made since President McKINLEY's election.

The vote that passed the bill was fortyfour to twenty-six.

Among the Senators voting in the bill's favor were BAKER of Kansas, CARTER of Montana, CLARK of Wyoming, FOSTER of Washington, HANSBROUGH and McCumber of North Dakota, McBRIDE and SIMON of Oregon, PERKINS and BARD of California, THURSTON of Nebraska and SHOUP of Idaho.

Thus Kansas, Nebraska, North Dakota, Montana, Wyoming, Idaho and the three States of the Pacific coast speak for gold. States in which not many years ago the conflict for silver was declared irrepressible until won.

What is left of the silver issue is chiefly BRYAN. He supports it and preserves it, yet couldn't let go of it if he would. Neither can the Democracy let go of him.

The Junior Senator From Massachusetts.

The compendium of American policy in the Philippines and the programme of American commercial progress in the Far East are contained in the great speech which Senator Lodge of Massachusetts delivered yesterday.

Mr. Lodge could well afford to rest his reputation both as a philosophical statesman and as a patriotic prophet upon this one oration.

It is a monument of research, an arsenal of argument, and, in the eloquent concluding passages which we print elsewhere for the benefit of all Americans, a noble pæan of national destiny and progress.

The Pride of an Individual or the Interests of a Nation?

Certain persons maliciously disposed toward the Administration of President McKINLEY are saying that the Hay-Pauncefote convention will be pressed upon Re publican Senators by an appeal to them personally to ratify it because that is the only way to "save the honor of the Department of State."

It is scarcely conceivable that any such argument for the proposed treaty should be employed by the President, directly or indirectly.

President McKINLEY sent to the Senate without a word of recommendation the treaty negotiated by Mr. HAY. The President is not committed by any public utterance of his own. The Administration's honor is involved only in the preservation and defence of the national interests entrusted to it by the ballots of the people.

A plea to the Senate to ratify the treaty against its judgment on the merits of the proposition, in order to relieve the Secre tary of State from possible embarrassment or humiliation, could only mean one of two things, or both things together, as the case might be.

First, that the pride of authorship, the natural desire of the Secretary of State to consummate a proposed agreement for which he is solely responsible, ought to be gratified at any sacrifice of the nation's interests for all future time. This consideration is too petty for discussion.

Secondly-and this is much more seriousthat the Secretary of State in negotiating the treaty has gone beyond his power and in some manner assumed to pledge the State Department in advance to obtain the consent of the Senate.

That proceeding would indeed involve the honor of the State Department and of the Administration; but in such a case the way to save the honor of the Administration would be to withdraw the treaty and to retire the negotiator who had thus transcended his Constitutional authority.

State and Church and Marriage and Divorce.

The introduction into the New York As sembly of a bill to require marriage li censes, as a means of preventing "hasty and unlawful marriages," and marriages "on mere impulse," invites attention to the striking circumstance that in the two States of the Union where divorces are made most difficult or are impossible no such licenses are now necessary. They are the States of New York and South Carolina; in the first, divorces dissolving marriages are granted for adultery only, and in the second, there are no divorce laws at all.

It happened, moreover, that while in the Union as a whole the population between 1870 and 1880 increased only about 30 per cent., divorces increased by more than 79 per cent.; but in New York the increase in divorces was only about 14 per cent., and in South Carolina no divorces were granted.

It is apparent, then, that marriage licenses

are not sufficient to prevent divorces by lessening "hasty marriages," "on mere impulse." Nor is divorce diminished in any competitions for immortality, so to speak, State by laws punishing adultery as a crime, though a law for the purpose has been introduced in the New York Legislature on that theory. That prime offence against the marriage contract, moreover, was the cause of only about one-quarter of the divorces granted in the Union for the twenty years between 1867 and 1886. The principal cause was desertion, as allowed in nearly all the States in accordance with the plats and reformers, preachers and theologiaus, justification of Protestantism and the Greek Church, and the others were cruelty, drunkenness and neglect to provide. This relative and sailors, distinguished men and women outside infrequency of divorces for adultery suggests a hopefully high standard of moral purity in the marriage relation. The relief of married women more especially, of the divorces granted in the twenty years

cause of "the trivial reasons for which a divorce can be obtained" in America a tide of immorality and vice which now threatens the whole social fabric" has set in; but it is not sustained by these statistics. How, too, can reasons be called "trivial" when they are accepted by the great body of our State legislation as serious? "It is not too much to hope," says this committee, "that eventually the United States may enact" a uniform divorce law; but the vastly preponderating practice in this Republic makes it evident that there is no possibility of such uniformity unless the reasons denounced as "trivial" by the committee are allowed as uniform grounds for dissolving the marriage contract. South Carolina and New York cannot swing over to their law the whole Union beside, but will rather be compelled to go with the rest if there is to be uniform divorce legislation. It is well to look

at this matter sensibly. It has been assumed also that great care lessness in granting divorces and weighing alleged causes prevails in the States of the Union, but the accusation is not sustained ! by the official statistics to which we have divorces granted in the United States in the twenty years covered represent an estimated number of 484,683 applications for divorce. That is, nearly one-third were refused

Finally, this committee gives "honor" to the State of New York for recognizing as the "one ground for divorce the cause which Our Lord Himself recognized;" but in so saying it assails the Roman Catholic doctrine, conscientiously believed in by a large part of the citizens of this State, that He did nothing of the sort, but that by His teaching marriage is a sacrament indissoluble except by death. On one side, therefore, the New York law of divorce conflicts with the teaching of Roman Catholicism, on another with that of Protestantism, which at the Reformation abandoned the doctrine of the sacramental character of marriage. and held that, under the command of CHRIST and the injunction of the Apostle PAUL, both adultery and malicious desertion released the innocent party from marriage bonds. The Jews, too, are numerous in New York. The Mosaic law allowed a man to give his wife a "bill of divorcement" when she found "no favor in his eyes, because he hath found some uncleanness in her;" but it gave her liberty to "go and be another man's wife." Thus it appears that it is impossible for

the State to satisfy religious teaching by any legislation on the subject. The State can avoid the conflict only by treating marriage as a purely civil contract, leaving to each Church to deal as a "sin" with whatever it regards as a transgression of GoD's law. Accordingly the State would be consistent in requiring that for legal purposes the contract should be made before a purely civil official, the parties having thereafter the option to get it confirmed religiously as an indissoluble sacrament, according to Roman Catholic doctrine, or as dissoluble for adultery alone, according to the Episcopal doctrine, or dissoluble for desertion also, according to the general

Protestant doctrine. It is noteworthy, as we have pointed out before, that England, with its State Church, tolerates adultery in the husband, but not in the wife. It gives divorce to the man only for that prime outrage against the marriage relation, though unquestionably no such discrimination is recognized by the teachings of JESUS or by the laws of morality. The committee makes American divorces It is no less absurd that Mr. GERRY should responsible for a "tide of immorality and vice which now threatens the destruction of the whole social fabric," and "degrades the relation of husband and wife," but is a deeper degradation of marriage possible than that which England, with a State Church, causes

by permitting adultery in the husband? We see, then, that in a Republic where the separation between Church and State is made absolute by fundamental law, the question can be solved only by civil legislation treating marriage as a civil contract purely, wholly apart from religion. The motive influencing the religious people who are bringing pressure to bear on the Legislature of New York to modify the marriage law on religious grounds is unquestionably honest and sincere, but none the less is it unwarrantable under our system of government. What would these Protestants say if the Roman Catholic Church appeared in the lobby of legislation to urge, in conflict with them, the passage of a law forbidding divorce altogether, on the ground that marriage is a sacrament dissoluble only by death, and that it is false and an abominable heresy to assert, as does this Episcopalian committee, that "Our Lord Himself recognized" adultery as a ground of divorce? The divergence of State legislation as to the matter is not greater, as we have shown, than that between the laws of the Churches.

The Hall of Fame,

By the generosity of a lady renowned and beloved for good works and public spirit, the sum of \$100,000 is at the disposal of the New York University for the erection on University Heights, facing the Hudson, of a semicircular colonnade 500 feet long, to be called the Hall of Fame for Great Americans. It will connect the Hall of Philosophy and the Hall of Languages, and will be architecturally worthy, doubtless, of its surroundings and of the high reputation of its architect, Mr. STANFORD WHITE. It is to contain 150 panels, eight feet by ten, upon which the names of Americans deemed great enough to be entitled to such commemoration will

be inscribed. The conditions of the gift provide that fifty of these names shall be inscribed, if duly approved by the judges, in 1900. Five more names are to be chosen every five years. Thus there will be frequent until the year 2000, when the panels of

fame will all be filled. The polls for the election of the fifty are already open and will not be closed until May 1. The aim of the donor was to include as many kinds of famous Americans as possible, as the plan shows:

"Authors and editors, business men. educators, inventors, missionaries and explorers, philanthroscientists, engineers and architects, lawyers and Judges, musicians, painters and sculptors, physicians and surgeons, rulers and statesmen, soldiers the above classes."

The University invites the public to make nominations from all these classes. Every relaxation of divorce laws, made for the name approved by a member of the University Senate will be passed upon by a jury has served that purpose practically, for of one hundred historians, professors of history and other persons versed in historinearly twice as many were to wives as to cal studies. Finally each name must be approved by the University Senate by a two-The committee advocating the Marriage | thirds vote. With all these precautions some land to alless

License bill makes the accusation that be there seems little danger that any unworthy or inferior names will be placed upon the panels of the Hall of Fame.

Conditions to be noticed by nominators are the ineligibility of persons born outside of what is now the territory of the United States, a rule that, for example, excludes ALEXANDER HAMILTON, and the ineligibility of persons who have not been dead at least ten years. Subject to these conditions the general public is requested to send nominations to the Chancellor of the New York

University. The public choice as to the fifty most famous Americans will be interesting and, maybe, in some respects, even surprising. At any rate, the awarding of fame by a plebiscite subject to two councils of revision will be a process to the fairness of which there can be no objection. In making up a true list of famous Americans some classes notably the statesmen and the Generals. would have a number of representatives while it is open to doubt if the musicians, for instance, would have even a single representative. But the catholic scheme proposed will not leave the musicians without their glory. The variety of judgment shown by the nominators will, probably, referred. These show that the 328,716 be great. There has been much thin talk from time to time about an American Academy. Here is the chance to help choose as Academy of the Immortals indeed.

The Hall of Fame will come to be one the great places of pilgrimage in New York. Statues, busts or portraits of the selected famous men and women will be placed in it or the museum that is to be next to it. It will be, in a way, the American Pantheon. And some day the name of the giver will be added to that high company.

The State and Mr. Gerry.

The favorable report made on Tuesday by the Judiciary Committee of the Assembly upon the bill so amending the language of the present statutes as to extend clearly the supervision of the State Board of Charities to all New York's charitable institutions, private or public, assures the passage of the measure. While the general terms of the bill are such that they will bring the New York Society for the Prevention of Cruelty to Children within the jurisdiction of the Board of Charitles, a second bill is also pending definitely so declaring the Gerry Society to be within the jurisdiction of the Board. It is understood that a favorable report upon this bill is also certain.

As these bills now stand, having been redrawn and reamended at the suggestion of the State Charities Aid Association, they so define the powers intrusted to the State Board of Charities that these powers concern inspection and visitation merely, and are not such as to give the Board any authority to interfere with the specific management of the institution visited. The Board of Charities has never claimed or asserted this right, nor does it desire it at the present time.

We say that the report of the committee undoubtedly insures the passage of the bill, because in all the discussions which these measures have caused, there has not been the slightest argument advanced worthy of an instant's consideration by any reasonable person why they should not become laws. Indeed, so far as we can ascertain, no hostile argument of any kind has been advanced. The only opposing claim is the simple declaration on the part of Mr. ELBRIDGE T. GERRY that he does not wish his Society inspected by the State. There can be no serious consideration of such "arguments." It would be absurd if such measures as thos here described should not pass both houses of the Legislature unanimously. beg for their defeat.

The Maryland Chicago platform Demo crats have held their State convention. If the regular Democratic State Convention tries the Gorman plan of straddling or forgetting the Chicago platform, a contesting delegation will go from Maryland to the Kansas City convention, which will be full of Democrats no ashamed of their principles. The Gorman plan is not calculated for national latitudes.

I am a traitor to Empire.—The Hon. Billy To the Empire of reason and common sense

Spelling reform has been thrown out of the Massachusetts Legislature, a body usually hospitable to reforms of all kinds. "If we this House, are going to pose as a lot of Josh BILLINGSES and PETROLEUM V. NASBYS," cried a conservative member, "I want to know it. With such simplicity was phonetic reform re pelled.

Lecturing in Boston, Mr. WILLIAM DEAN Howells urged the men to "read fewer newspapers and more novels, take longer vacations, more outdoor life, attend more summer schools of instruction and make more trips to Europe." The recommendation in regard to novels seems more selfish than would be ex pected from an Altrurian. The recom-mendation as to outdoor life is excellent if somewhat obvious. Most persons are heartily in favor of long and longer vaca tions, and there are thinkers who believe in the abolition of work and in perpetual vaca tions. The trouble is to get your longer vacations. In the same way it is not so easy for most people to make more trips to Europe as it is for Mr. Howells to advise them. An where is a man's vacation to come in if he is to be matriculated at a summer school?

BOSTON, Feb. 28 - GEORGE F. WASHBURN, chairman of the Massachusetts Populist Committee, says the anti-imperialist sentiment among the Western Republicans is prodigious. Mr. WASHBURN is prodigious himself, and a true Populist in that he has a real gift for

The Hon. EMILIO AGUINALDO is gone from the mountains; he is lost from the forest temporarily. Or the swamps hide him. The grief of the Demograts is softened by the reflection that wherever he is, he must still be praying for their party.

discovering things that are not and will

GUFFEY can force harmony .- Philadelphia

Col. JIM GUFFEY, the Pennsylvania member of the Democratic National Committee. But his sensitive and poetic nature would shudder at the thought of foreing harmony. He will charm the fighting factions by the magic of his eye, the beauty of his smile, the broad, sweet outlines of his mustache. We nominate Col JIM GUFFEY for chairman of the Democrati National Committee.

Plot to Poison Li Hung Chang Failed.

VICTORIA, B. C., March 7 .- Viceroy Li Hung Chang has assumed control in Canton and at once inaugurated war upon the pirates, the majority of whom have abandoned operations with a popular declaration that they have no desire to violate the laws when they are fairly and justly administered. A plot to poison the aged statesman by means of a treacherous cook was discovered on Jan. 21.

Osage Indians to See the Big White Chief. Sr. Louis, March 7.-Seven Indians of the Osage tribe passed through this city to-day en route to Washington, D. C. They go to the national capital for the purpose of having their annual payments increased from \$400 to \$1,000, and to make arrangements for allotment of their lands. The Indians say that whites are invading their country and they want an allotment made, while there remains some land to allos.

IN SOUTH AFRICA.

The disposition of Lord Roberts's army as given in Tuesday night's despatches would appear to have been erroneous. His cavalry, instead of being placed on the left as ther stated, was on the right front, and by the turning movement, described in Lord Roberta's despatch to the War Office of yesterday's date. which it executed round the Boer left flank. opened the road to Bloemfontein and forced the whole Boer army to fall back to the east and north, closely followed by the mounted troops and horse artillery. Lord Roberts says that the Boers were quite unprepared for the attack by flank threatening their communications with Bloemfontein, and he seems justified in this view by the issue of his manguvre. From Lord Roberts saying that he proposed making his headquarters at Poplars Drift on the Modder River on Tuesday evening, it is to be presumed that the Boer positions were in the neighborhood of the point marked on the maps. Poplar Grove, some twenty-five miles west of Abraham's Krasl. In a later despatch, dated yesterday, from Poplars Drift Lord Roberts de scribes the Boer position as having been well chosen and so intrenched that a frontal attack must have involved very heavy loss; but the labor expended on it was wasted through the success of the turning movement. It does not appear, however, that the pursuit can be very closely pressed as he reports that the horse artillery teams were quite done up, and most of the work fell on the cavalry which did their work well. The Boer force immediately opposed to him is said to have been commanded by Gen. Delarey and Commandant de Wet and cannot have been much, if anything, over eight or nine thousand men. There may, how ever, have been others not mentioned.

What the immediate effect of the Boerretreat will be cannot be estimated until the exact lines by which they are moving are known, and whether any other forces were at Bloemfontein or in its neighborhood. There seems some confusion in the report of the movements of the British divisions subsequent to the Boer retreat, as it says that Col ville's division and the Guards brigade which were north of the Modder were crossing at Poplars Drift, and Tucker's, which was south, was crossing at the same place; no reason being giving for such a transfer If however it were made it would be for the purpose of replacing a weaker by stronger force, and would indicate that the Boer left was to be strongly pressed with the object of driving it north and isolating Bloemfontein. Under the circumstances the Boers are definitely committed to a withdrawal to the line of the Vet River, alluded to some little time back, and which will probably be found to be already occupied and prepared for defence though its tenure will depend on Gen. Buller being kept on the Natal side of the Drakens

berg passes. A Ladysmith despatch of Tuesday states that Gen. Buller has already begun a move toward the Van Reenen Pass up the railway line to Harrismith, so reports of early fighting in the neighborhood of the pass may be looked for. It is also said that a British force from Zululand has crossed into Transvaal territor; and has intrenched itself at a point nine miles inside the border. This is provably in the southern part of the Vryheid district, and does not in any way threaten what Boer force may be north of the Biggarsberg Mountains be tween Ladysmith and Glencoe

The reported rising of the Dutch population of the northwestern part of the Cape Colony while it may be troublesome, is not likely to have any great effect on the campaign in prog ress, as even were the insurgents, as they must be called, to succeed in interrupting the Cape Town-Kimberley railway for any time. Lord Roberts will soon have at his disposal the lines from Port Elizabeth and East London. Unless the rising become general which, from the past inaction of the Cape Dutch, seems doubtful, the 3,000 men said to have assembled under the command of two leaders. Lucas Steinkampf and Piet Moolman, should be easily kept away from the railway. Their mobility, however, has to be reckoned with, and the British mounted troops are all at the front. The disaffected districts extend westward from the Cape Town-Kimberley railway line to the Atlantic, and south of the Orange River for a depth of about 150 miles, and are sparsely populated.

TO THE EDITOR OF THE SUN-Sir: In view of the prevalence of pneumonia to such an alarming extent, and the many deaths resulting therefrom I send you the following for publication

Take six to ten onions, according to size, and chop fire, put in a large spider over a hot fire; then add about the same quantity of rye meal, and vinegar enough to make it a thick paste.

In the meanwhile, stir it thoroughly, letting i simmer five or ten minutes. Then put in a cotton ag large enough to cover the lungs, and apply it to the chest as hot as the patient can bear. When i gets cool apply another, and thus continue by reheating the poultices. In a few hours the patien

reheating the poultices. In a few hours the patient will be out of danger.

This simple remedy has never failed in this too often fatal malady.

Usually three or four applications will be sufficient, but continue always until perspiration starts freely from the chest.

This simple remedy was formulated many years ago by one of the best physicians New England has ever known, who never lost a patient by this disease, and won his renown by saving persons by simple remedies after the best medical talent had pronounced their case hopeless.

Personally, we know of three persons who were agved by the remedy last winter in Boston after their physicians had given them up to die; and if a record was made of all similar cases during the last six years, it would fill a good-sized volume.

The World's Progress.

New York, March d. NEW YORK, March e. "Fear as a Just Cause of War."

TO THE EDITOR OF THE SUN-Sir: The opinio has always been maintained by the best authorities that the occupation of Cuba by Spain or any other foreign power was a serious menace to this country and it is to-day believed by many that the declaration of war on Spain by our Government was a direc application of the principle laid down by Lord Bacon and Machiavelli. NEW YORK, March 5.

Stories of the British War Office. From London Truth.

It really would appear that the folly and absurdit; of our War Office is boundless and bottomless. The Prime Minister of New South Wales telegraphed home offering a hundred army service wagons for use in South Africa, and received in reply an acceptance of the proposal, to which was added an intimation that the wagons must be sent from Australia to England in order that they might be officially in-spected at Woolwich before they were finally despatched to the Cape. This insane arrangement involves a useless voyage of nearly 13,000 miles and the waste of two months Surely, there must be some official at the Cape who is capable of inspect ing these Australian wagons.

From the London Court Journal. When the military authorities were chartering vessels for conveying troops to South Africa a cer-tain ship was offered them, but refused on the ground that it was too large. Then another vessel exactly the same tonnage, was offered them, and this also was refused, the excuse this time being that the ship was too small.

The Kirk Bell of Tullibody. From the Westminster Gazette.

Among kirk bells the bell of Tullibody deserve honorable mention. For many years after the dis ruption there was nothing but a Free Kirk in that village and the old pre-Reformation Kirk, which the painter Harvey took as his model for the wellknown picture, "Quitting the Manse," stood empty and dust-covered, not silent, however, for its bell was made use of to bring in the worshippers to the Free Kirk. And now that services are resumed in the ancient kirk, the old bell is called on to do double work. First it rings in the Free Kirk congregation, and then, half an hour afterward, rings in the Auld Kirk worshippers. Not all church bells

From the London Times.

The French Nationalist party, that pot-pourre party of Dead sea fruit which as the flotsam and jetsam of political life here, is merely the barnacle covered debrie of Boulengism.

WHY IT IS NOT A VALID TREATY.

The Clayton-Bulwer Agreement Was Never Constitutionally Ratified by Both Parties. TO THE EDITOR OF THE SUN-Sir: In the discussion of the Ciayton-Bulwer Treaty between THE SUN and Mr. Moreton Frewen, THE Sun evidently has the best of the argument You have maintained that the treaty as ratified by the United States Senate is to be construed according to the language of the instrument, while Mr. Frewen, although he does not absolutely assert it, intimates that the treaty is to be interpreted not according to its language. but in the light of the declaration made by the British Minister, Sir Henry Bulwer, in which he stated that:

Her Majesty's Government does not understand the engagements of that convention the treaty to apply to her Majesty's settlement at Honduras or dependencies. Her Majesty's ratification of the said convention is exchanged under the explicit dec aration above mentioned

This declaration was made on June 29, 1850. On July 5, 1850, Mr. Clayton, then Secretary of State, flied a memorandum in the State Department in which he said:

The within declaration of Sir H. L. Bulwer was received by me on the 29th day of June, 1850. In reply wrote him my note of the 4th of July, acknowledging that I understood British Honduras was no embraced in the treaty of the 19th day of April last Under these circumstances the British Gov-

rnment may justly claim that it ratifled the treaty subject to Sir Henry Bulwer's declaration. But how is it with the United States If Mr. Clayton was authorized to concur in this declaration, then his Government is also bound by it. The question then hinges upon Mr. Clayton's authority.

The Constitution of the United States declares that the President "shall have power, by and with the consent and advice of the Senate

The Clayton-Bulwer Treaty was submitted by the President to the Senate for its advice and consent, and was ratified by it on May 22, 1850 As ratified it prohibited both Great Britain and the United States from exercising dominion "over any part of Central America." Does th Constitution of the United States authorize the Secretary of State to revise or modify a treaty after it has been ratified by the Senate? If it loes, then this country is bound by Mr. Clayton's act; if it does not, then the country is no more bound by his act than by the act of any other unauthorized person. His act, if authorzed, amounted to an amendment of the treat; so as to exclude Honduras.

In the case of the Amiable Isabella, reported

n 6 Wheaton, the Supreme Court said: To alter, amend or add to any treaty, by insert ng any clause, whether small or great, important or rivial, would be on our part an usurpation of power and not an exercise of judicial functions. It would be to make and not to construe a treaty.

Has the Secretary of State any more right to amend a treaty than the Supreme Court? It is the business of nations when contract ing with each other to be satisfied of the powers of the agents employed to execute a treaty, and the Government of Great Britain was well aware of the fact that the consent of the Senate of the United States is necessary to the validity of any treaty made by this country. On this subject Mr. Clay, when Secretary of State, wrote to the British Minister, Mr Addington, on April 6, 1825:

The Government of his Britannic Majesty is well equainted with the provision of the Constitution of the United States by which the Senate is a com ponent part of the treaty-making power; and that the consent and advice of that branch of Congress are indispensable in the formation of all treaties.

Whatever, therefore, may have been the understanding of Secretary Clayton and Sir Henry Bulwer as to the meaning of the treaty, it had no binding effect upon this country, because their declaration never received the consent of the Senate. And it follows that THE SUN is right in its position that there is no valid treaty because the original treaty as ratified by the Senate never was accepted by Great Britain and the treaty as modified by the Clayton-Bulwer agreement never was ratified by the United States Senate.

The attempt of Secretary Clayton to modify the treaty was not the first instance in which an agent of the United States has exceeded his powers. When our treaty with Spain was rati fled in 1829, the United States Minister to ain undertook of his own volition to assu the Spanish Government that in case of its ratification by Spain the United States would assume and pay a certain claim against Spain held by an American citizen named Meade: and upon this assurance Spain ratified the treaty. Subsequently Meade called upon the United States to pay the claim, and upon its refusal to do so suit was brought. The court pelow found these facts, but upon appeal to the Supreme Court this opinion was rendered:

Such an assurance as that supposed could not be given by any Minister of the United States except pon the condition that it should become a treat; stipulation, and as such be subject to the approva of the President and be ratified by the Senate as r mired by the Constitution. Even if the finding had any foundation in fact, it is clear that the act of our Minister in giving the assurances was wholly without authority, and that the act was null and void. which must have been known to the Spanish Gov ernment and to the claimant. [9 Wallace.]

This decision applies exactly to the action of Secretary Clayton. His agreement with Sir Henry Bulwer "was wholly without authority" and "the act was null and void." There was but one way by which it could have been validated, and that was by the resubmission of the treaty with Sir Henry Bulwer's declaration to the Senate for its ratification by that body.

Mr. Frewen's attempt to show that the Senate understood the treaty as interpreted by Sir Henry Bulwer and Mr. Clayton would amount to nothing, even if it were not refuted by the testimony of Mr. Cass and Mr. Buchanan The treaty speaks for itself, and it is a universal rule of construction that where the language of a treaty or a law is clear and unmistakable no testimony can be received as to the understanding of those who made it.

As a matter of fact the correspondence beween Sir Henry Bulwer and Secretary Clayton has always been treated by our Government as mere surplusage, having no connection or effect upon the treaty. The official publications have entirely ignored it. I have before me a volume of the Revised Statutes containing "The Public Treaties in Force on the 1st day of December, 1873. Edited, printed and published under authority of an Act of Congress and under the direction of the Secretary of State," in 1875. The Clayton-Bulwer Treaty as ratified by the Senate is set forth there in full, but not one word of Sir Henry Bulwer's declaration nor any reference thereto. And in 1889 the Secretary of State, by direction of Congress, transmitted copies of all the treaties and conventions entered into by the United States. These, as pubshed by the Government Printing Office, contain the treaty, but no sign of the Bulwer dec-J. S. TUCKER. laration. WASHINGTON, March 7.

The Advance to Mafeking

The British force that is marching north to relieve Mafeking is following a part of the transcontinental route between Cape Town and Cairo which explorers, from Livingstone in the south, to Speke in the north, and also traders, hunters and natives, have travelled over for many years. This part of the route is now covered by a railroad running along the eastern edge of British Bechuanaland and about 4,000 feet above the sea. It is a dry country, but the summer rains have been more plentiful than usual this season and there is plenty of forage for trans. port animals.

Along the road are a number of stations for the convenience of cattle herders, but the only towns of importance are Taungs and Vryburg. The latter town is the capital of Bechuanaland, but Taungs is more important, for the Hart River as well as the railroad helps to make it a commercial centre, and it ends a good deal of wool, maize, hides and cattle to Kimberley. Mafeking is the largest town of the hree, and in times of peace it is the centre of considerable trade with the Bechuanaland Protectorate on the north and the Transvaal on the east.

A considerable distance west of the line of march is the Kalahari waste, but the expedition will have no stretch of desert to cross, and only two rivers.

CHINESE EMPRESS'S FAILURE.

Returned Missionary's Story of the Attempted Deposition of the Emperor. VICTORIA, B. C., March 7 - The Rev. W. F. McKibbon, a missionary from Swatow district China, who has just arrived here, says the reform party throughout China is jubilant over the latest proclamation of the Empress Dowager, denying the rumored death of the Emperor and making promises of concession to the Reformists. It has since leaked out, Mr. McKibbon says, that although Kwang Su is personally safe his killing was fully contem-

The Empress's second announcement was

that Emperor Kwang Su had voluntarily abdi-

cated, leaving her to nominate his successor

She ignored the claims of the heirs apparent

and prospective and selected the six-year-old son of Prince Tuan, the second son of Emperor Tao Kuang's fifth brother. This violation of herditary right aroused strong opposition, protests coming from all parts of the Empire and
threats being freely made that, if confidence in
the dynasty were thus shattered, armed resistance would be offered.

Bussia was said to be at the bottom of the
Empress's bold move Baron Nishi, the
Japanese Minister of Pekin, is reported to
have informed the Tsung Li Yamen, that,
while he would say nothing if only the nomination of a crown prince was intended, if it
was the plan of the Empress to dethrone the
Emperor, Japan would intervene. This communication was, it is said, submitted to other
foreign ministers, some of whom concurred in
the Japanese Minister's attitude, being
thus responsible for the failure of the
Empress's move, Kang Yu Wel, the exiled
leader of the Reformists, telegraphed
to the several Viceroys from Singapore,
that in the event of armed resistance he could
put a force of 20,000 men in the field within a
fortnight. herditary right aroused strong opposition, pro-

fortnight.

The Empress receded absolutely, placing all the blame upon her Ministers and ordering two of them decapitated. Since then the members of the diplomatic corps have not been allowed to see the Emperor, the excuse being that he is ill. The general belief, however, is that Kwang Su is not at Pekin, but carefully hidden in Nanking.

The only factor that keeps the reformers from striking is that Russia would intervene, supporting the Empress.

SAMOAN CLAIMS TREATY. Ratifications Exchanged at the State Department Yesterday.

WASHINGTON, March 7.- The ceremony of exchanging ratifications of the Samoan claims reaty took place in the diplomatic room of the State Department this afternoon at 3 o'clock Lord Pauncefote, the British Ambassador, Herr Von Holleben, the German Ambassador. and Secretary Hay represented their respective governments. This was the last day on which the exchange could have been made under the terms of the treaty, and a failure to transfer the ratifications would have been equivalent to the cancellation of the agreement. Fortunately, however, the British exchange copies were received here from London this morning. The German exchange copies reached the Imperial Embassy in Wash-

The treaty, which will be in full effect when it has been proclaimed by the three powers concerned, provides for the adjustment by a commission of arbitration of the claims for damages done to property in Samoa by the bombardment of towns in the island of Upolo by Amoriem and British warshing during the by American and British warships during the Mataiaan uprising a year ago. German ships lid not participate in the shelling, but the arbidid not participate in the shelling, but the arbitral will have to decide whether Germany is not equally liable with the United States and Great Britian for the damage done. It has been contended that Germany was responsible for the uprising which brought about the bombardment and the arbitral, it is said, would not be going outside its powers in determining whether Germany alone should not bear the entire cost of the damage inflicted. The claims filed to date amount to about \$80,000.

In the shore fighting with the Matafaans two In the shore lighting with the Matarans two American naval officers. Lieut, Lansdale and Ensign Monaghan, were killed. It is reported in naval circles that claims for damages on account of their deaths will be filled before the arbitral. Inquiries at the State Department as to the authority of the arbitrators to take such claims under consideration, clicited the statement that the Department was not ready to give an opinion on that question.

WEDDING OF JAPAN'S CROWN PRINCE Great Preparation for the Ceremony Which

Will Take Place Next Month VICTORIA, B. C., March 7 .- Mail advices say hat, next to the prospect of war with Russia, Japan's chief topic is the approaching marriage of the Crown Prince to Princess Sadako. daughter of Prince Kugo and niece of the late Empress Dowager, which is expected to take on April 3. The bride is a direct descend ace on April 3. The bride is a direct descend-te of the house of Kamatari, the oldest and oblest family of Japan, which has given usen after queen to the Empira. She is but 7, a graduate of Peeress School, and will be defirst Empress to wear European garb and dlow the European customs rather than the d Japanese.

old Japanese.
Upward of a million yen are to be spent on an elaborate wedding, which will be solemnized in the main hall of the palace. Immense fetes will be given and hundreds of long-term prisoners will be pardoned.

FRANCE AND THE POPE.

Question That Involves Both Their Polit-

ical and Religious Relations. From the London Times This morning's Figuro was the first to an nounce the important fact of the decision just taken by the Government to appeal to the Pope himself in order to bring to terms the recalcitrant Bishops of Aix and Valence. In the pourparlers now going on there will be no question of direct expulsion of Mgrs. Gouthe-Soulard and Cotton from their Bishoprics. This is impossible, the Concordat stipulating that the appointment of a Bishop is for life But the Government is at liberty to request the Pope to ask a Bishop to resign, and, if the Pope acquiesces but the Bishop refuses, the atter, while remaining nominally the head of the diocese, must evidently lose all spiritual authority, and if an apostolic vicar is appointed

authority, and if an apostolic vicar is appointed to administer the discesse the Bishop's position becomes an impossible one. The burden of responsibility naturally fails on the Pope, and this it is which gives to the action of the Government its extreme interest.

Leo XIII. will find himself in a very delicate position. It is for him a pure matter of political opportunism, one of those questions which by temperament he likes to solve, but which for the moment, no doubt, he will regret to have put before him. What it comes to is a choice between the French Government and the Assumptionists with all their marvellous resources for the collection of funds for the Church. There can, of course, be no doubt that the Pope disapproves the action of these two Bishops, but between such disapproval and acquiescence in active measures for ejecting them from their dioceses there is evidently a vast difference. The case thus becomes a test case, a touchstone of Papal policy

test case, a touchstone of Papal policy in France.

There are, moreover, precedents enough for such cooperation with the civil power in the past, dealings of the Vatican with former French Governments. Louis XVIII. the Government of July, and the Empire have all appealed to the Pope in similar circumstances and obtained his intervention. The French Ambassador to the Vatican. M. Nisard, has at his disposal in the published insulting protests of the two Bishops of Aix and Valence documents inferior certainly to none of those which his predecessors were ordered to communicate. The time is not ripe for a revival of Gallicanism, and, although M. Gouthe-Soulard at least would, no doubt, willingly put himself forward to champion this lost cause, it is unlikely that if he entered into open revolt against the Pope he would obtain a following among his peers. So that if the Pope accedes to the request of the Government the incident will have been closed. t case, a touchstone of Papal polic France.

Miss Gonne Doesn't Patronize British Ships. Miss Maud Gonne will sail for her home in Ireland this morning on La Champagne. She has been in this country a month lecturing. The proceeds of her tour will be devoted to Arenue Hotel Inst night Miss Gonne said:
"I am sailing on a French steamer because I i wouldn't patronize an English line. I'm going home to work for the Boer cause and keep England from gaining recruits in Ireland for her army. My lecture tour has been very profitable.

Legislation to Compel Morality. From the North Adams News.

THE SUN argues that where such laws laws making adultery a misdemeanor and requiring marriage licenses are in force, the percentage of divorce is really greater than it is now in New York State, and declares that the only safeguard lies in the power of the Church. There is much that is sound in THE SUN's argument, for it is strikingly noticeable that here in Massachusetts the number of adulterous cases and divorces is astonishingly large, and notwithstanding the strictness of the law and its evident intent to restrict such violations of the moral law it appears to really act as no deterrent whatever.

IN THE FROZEN NORTH

Experiences of the Crew of the Revenue

Cutter Nunivak in Alaska Waters. WASHINGTON, March 7 .- A report from Lieut, Cantwell, the commander of the little revenue cutter Nunivak, which went into commission ast year to explore the inland waters of Alaska and to enforce law and order on the Yukon, has been received at the Treasury Department. The Nunivak is wintering in the Dall River, a branch of the Yukon, several hundred miles from St. Michael, only a little south of the Arctic circle. Lieut. Cantwell's report is dated Dec. 20. The coal supply of the vessel was low as early as Dec. 1, but the crew of eight men were set at work chopping wood to

was low as early as Dec. 1, but the crew of keep the fires necessary to prevent them from freezing on the vessel. The wood had to be dragged a mile through the snow to the ship. Before Dec. 20 most of the crew had become mutinous, and it was only by the utmost force of personal authority that the officers were able to keep them at work.

The region around the Nunivak is uninhabited except by a few natives, and the only mall brought out this winter was by dog team down the Yukon. The temperature was very low throughout November and December. During the third week of December the mercury was fifty-six degrees below zero, and the commander of the vessel froze his face and hands badly. Wood chopping had to be suspended for a few days, and the fuel supply got dangerously low. The necrury in the engine room was twenty-four degrees, and even in the fire room, where three cords of wood per day were being burned, the temperature was at freezing point. The last part of Lieut. Cantwell's report was written with a pen and thawed ink, for the reason that the rubber on the typewriter froze and made it impossible to operate the machine.

The Nunivak performed valuable service in river exploration last season, and the work will be continued next summer.

THE TROUBLE IN CENTRAL AMERICA.

Our Ministers Instructed to Use Their Good Offices to Prevent an Outbreak.

river exploration last season be continued next summer.

WASHINGTON, March 7 .- Instructions have sent by the State Department to William M. Merry, United States Minister to Costa Rica, Nicaragua and Salvador, to use his good offices to prevent the general outbreak which is believed to be pending in Central America. W. Godfrey Hunter, the United States Minister to Guatemala and Honduras. who has been in Washington, has received similar instructions personally from the Secretary of State and has started back to his post, The fact that these instructions have been

The fact that these instructions have been given indicates how seriously the Government regards the reports which have come to it about Central American political conditions. The interest of the United States in the Nicaragua Canal question is responsible for the efforts which were made by the American diplomatic representatives to prevent the Central American republies from becoming involved in bloody strife. Men who are familiar with the conditions in the five republics, through the reports received here, say that if an outbreak occurs between any two of them the rest will be involved, as the whole country is in a state of unrest.

No additional official information has been received here as to the character of the trouble which is brewing, but it is supposed that Costa Rica fears an attack from Nicaragua that part of Costa Rica which borders on the route of the proposed interoceanic waterway. The movement organized in Nicaragua by Mora, the Costa Rica counterfeiter, who was recently released from Sing Sing, is the most dangerous feature of the situation, and his advance into Costa Rica may start the trouble. It is said here that the cruisers Detroit and Marbiehead should lose no time in getting to Central America. Neither of these vessels has started south yet.

WAR ON KENTUCKY RAILROADS.

The McChord Bill Fixing Freight Rates Now Ready for Beckham's Signature. FRANKFORT, Ky., March 7.-The House of

depresentatives, after a six hours' debate, passed this afternoon the McChord Railroad bill. giving the Railroad Commission the arbitrary right to fix freight rates when complaint is made. The bill fixes a fine of from \$500 to \$1,000 for the first violation and from \$1,000 to \$5,000 for each subsequent violation of the rate so established and allows no appeal from the decision of the commission. The measure was passed by a vote of 56 to 42, Representatives Armstrong and Klair, Democrats, voting

against the bill and Representative Orr, Democrat, refusing to vote. The Republicans voted solidly against the measure.

The bill was passed by both Houses in 1898 but vetoed by Gov. Bradley and failed to pass the Senate over the veto. The measure was one of the chief issues in the last campaign and was the real reason of the opposition of the railroads to the election of Goebel, who champloned the measure. The bill has passed the Senate and will be presented to Beckham for his signature to generous. McChord, who is the subjection of the approximation of the presented to Beckham for his signature to generous.

the measure. The bill has passed the Senate and will be presented to Beckham for his signature to-morrow. McChord, who is the author of the bill, is a member of the Railroad Commission by election.

Senator Triplett to-day moved an amendment to his bill to appropriate \$250,000 to equip a State militta under Beckham and to order back from London the military stores sent there by Gov. Taylor by reducing the amount to \$100,000.

The commission appointed under the Goebel Reward bill held a meeting here to-day and are preparing to announce the reward for Goebel's assassin.

TO RAISE OUR OWN RUBBER.

The Government to Experiment in Hawaff WASHINGTON, March 7 .- "There is no reason n the world why we cannot raise rubber in Hawaii," said Secretary of Agriculture Wilson to-day. "The climate is ideal in most parts of the islands, and as there are all kinds of solls it looks as though all that were needed to put the growing of rubber trees upon a paying

put the growing of rubber trees upon a paying basis is the trees themselves and the proper care devoted to their cultivation. As soon as possible agents for the Agricultural Department will gather together at least 100,000 rubber trees for the big experiment. The trees will be secured mostly from Brazil, but some may come from Mexico and Central America. Then, as soon as Congress gives us the money, we will go ahead in a scientific, systematic manner with the work. The United States imports every year \$30,000,000 worth of rubber, why can't we save that money, and, in addition, derive a goodly revenue from the sale of our rubber to other countries?"

STILL CRYING FOR DEBS.

The Social Democracy and Socialistic Labor Party May Unite.

INDINAPOLIS, March 7.- The National Convention of the Social Democracy made slow progress to-day, as every proposition before the ody was debated at length and much difference of opinion was manifested. The most important action was that looking to an important action was that looking to an amalgamation of the Social Democracy and the Socialistic Labor party which recently held a convention in the East and nominated candidates for President and Vice-President. Members of the committee appointed by the Rochester convention arrived to-day and submitted a pronosition for amalgamation. If it is adopted it is possible that Harriman, the nominee for President, will consent to take accord place on the ticket provided Debs will accept the Presidential nomination. The proposition is now under consideration.

BRIDGE SOUNDINGS REVEAL ROCK. Engineers Uncertain, However, Whether it

is a Ledge or a Bowlder. Chief Engineer Probasco of the Department of Bridges and his assistants, who are making the soundings for the new bridge across the East River from Pike slip to Brooklyn, have found rock at a depth of 85 feet from the surface of the water on a line with Adams street, Brooklyn. The engineers cannot tell whether the rock is a ledge or a bowlder. It is a part of a ledge, the site for the new bridge piers can be fixed without delay.

An Adventurous Infant. From the London Daily News.

Although the son of a resident of Wycombe Marsh is only two years and five months old, he appears well on the road to make himself a name. At the age of 17 months he toddled upstairs, took the top off a small lamp, and drank the contents. His greed for "low flash" did no harm, and shortly after he was as lively did no harm, and shortly after he was as lively as ever. His next exploit ended in his falling into the river at Wycombe Marsh. Again he escaped from the jaws of death. A short time afterward he walked once more into the same stream—another rescue, and more anxious moments for the parents. This week the little fellow has experienced another remarkable escape. His mother sent him into the garret with the other children while she performed her household duties. All went well for some time, till George's keen eye caught sight of the window catch, and in his usual inquisitive frame of mind, he proceeded to open the window. With all his might he pushed back the window, and, being unable to baiance himself, he fell to the ground, a distance of twenty-five feet! The youngster, however, is apparently as hard as nalls. To everyone's astonishment, he was soon seen running about as lively as ever, the result of his latest exploit only producing a small spar on